

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Sherman Harley,)	C/A NO. 0:10-1652-CMC-PJG
)	
Plaintiff,)	
)	ORDER
v.)	
)	
R. Timothy Thornton,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's removal of this action from the Allendale County Court of Common Pleas. The complaint alleges, *inter alia*, constitutional and state law violations in relation to an arrest and subsequent prosecution. These allegations do not relate to the conditions of any confinement but rather to the events which allegedly occurred as a result of Defendant's alleged unlawful actions.

When removed to this court, the case was referred to Magistrate Judge Paige J. Gossett pursuant to the Local Civil Rules of this Court.

The current practice of the Clerk of Court is to code certain cases which include allegations of, *inter alia*, false arrest and malicious prosecution as "prisoner petitions." This designation means that the judge assignments (both District Judge and Magistrate Judge, if warranted) come from a district-wide list, versus the judge assignment being driven by the division of the Court in which judges hear "regular" civil cases.

The incident giving rise to this lawsuit occurred in Allendale County, which is in the Aiken Division of this Court. Therefore, because Plaintiff complains of actions which do not pertain to any conditions of confinement but rather stem from an alleged unlawful seizure and prosecution, the

court finds that Plaintiff is entitled to an Aiken Division jury panel. Thus, the matter is more appropriately addressed in the Aiken Division.

Accordingly, it is ordered that this case be transferred to the Aiken Division of this Court and assigned to a judge of that division. Additionally, as both parties are represented by counsel, the court withdraws the reference to a United States Magistrate Judge.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
July 6, 2010